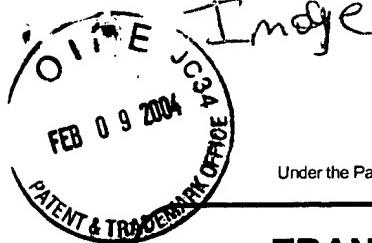


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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	09/955,315
		Filing Date	9/19/2001
		First Named Inventor	Brigitte Bathe
		Art Unit	1652
		Examiner Name	Kerr, Kathleen
Total Number of Pages in This Submission		Attorney Docket Number	032301.227

**ENCLOSURES (check all that apply)**

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| <input type="checkbox"/> Fee Transmittal Form                                | <input type="checkbox"/> Drawing(s)   | <input type="checkbox"/> After Allowance Communication to Group                            |
| <input type="checkbox"/> Fee Attached  | <input type="checkbox"/> Licensing-related Papers                                       | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences        |
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| <input type="checkbox"/> After Final   | <input type="checkbox"/> Petition to Convert to a Provisional Application               | <input type="checkbox"/> Proprietary Information   |
| <input type="checkbox"/> Affidavits/declaration(s)                           | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | <input type="checkbox"/> Status Letter   |
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| <input type="checkbox"/> Express Abandonment Request                         | <input type="checkbox"/> Request for Refund   |  |
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| <input type="checkbox"/> Certified Copy of Priority Document(s)              |   |  |
| <input type="checkbox"/> Response to Missing Parts/ Incomplete Application   |   |  |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 |   |  |

Remarks

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	Brandon C. Boss - Reg. 46,567
Signature	
Date	February 3, 2004

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

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032301.227

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: Bridgette Bathe

Examiner: Brinson, P

App. No.: 09/955,315

Group Art Unit: 1652

Filed: September 19, 2001

For: NUCLEOTIDE SEQUENCES WHICH CODE FOR THE DPS GENE

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

This is in response to the Office Action mailed January 9, 2004 regarding the above identified patent application. The Office Action required Applicants to restrict prosecution of the claims in this application to:

Group I. Claims 1-12 and 27, drawn to polynucleotides coding for the dps gene which encodes a DNA protection protein activity, vectors and host cells thereof, classified in class 536, subclass 23.1

Group II. Claims 13-26, drawn to methods of making L-amino acids, classified in class 435, subclass 106.

Group III. Claims 28-29, drawn to methods for isolating nucleic acids related to the dps gene, classified in class 435, subclass 6.

Applicants hereby elect Group I (claims 1-12 and 27 drawn to polynucleotides coding for the dps gene which encodes a DNA protection protein activity, vectors and host cells thereof, classified in class 536, subclass 23.1).

Applicants reserve the right to file divisional applications for the non-elected claims in due course.

Respectfully submitted,

SMITH, GAMBRELL & RUSSELL, LLP

Date : February 2, 2004

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